

1 EDMUND G. BROWN JR.
Attorney General of California
2 JAY C. RUSSELL
Supervising Deputy Attorney General
3 SCOTT J. FEUDALE
Deputy Attorney General
4 State Bar No. 242671
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5871
6 Fax: (415) 703-5843
E-mail: Scott.Feudale@doj.ca.gov
7 *Attorneys for Defendant C. Daly*

8 KEITH WATTLEY, SBN 203366
UNCOMMON LAW
9 220 4th Street, Suite 201
Oakland, CA 94607
10 Telephone: (510) 271-0310
Facsimile: (510) 271-0101
11 kwattley@theuncommonlaw.com
Attorney for Plaintiff Stephen Liebb
12

13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION
16

17 **STEPHEN LIEBB,**

18 Plaintiff,

19 v.
20

21 **C. DALY, BPT COMMISSIONER,**

22 Defendant.
23

Case No. C 04-0950 CW (PR)

**JOINT STIPULATION AND
ORDER TO SET
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT FOR
HEARING AS MODIFIED**

24 On March 17, 2009, the Court denied Defendant's motion for judgment on the pleadings
25 and ordered Defendant to file a motion for summary judgment within sixty days. Plaintiff's
26 opposition was due within thirty days, and Defendant's reply fifteen days thereafter. (Order Den.
27 Def.'s Mot. J. Pleadings 11.) In its order, the Court did not schedule a hearing date. (*See id.*)
28

Northern District Civil Local rules generally require that a motion be “noticed on the motion calendar of the assigned Judge for hearing not less than 35 days after service of the motion.” Civ. L. R. 7-2. Moreover, Defendant’s motion includes complex issues of state law governing the application of the doctrine of res judicata. Accordingly, the parties believe oral argument is necessary on this motion.

The parties’ counsel are both available for oral argument on July 9, 2009 at 2:00 p.m. and respectfully request that the Court place this matter on its motion calendar on that date. If the hearing cannot be scheduled on that date, the parties respectfully request that the matter be heard on the Court’s next available law and motion hearing date, subject to the following exceptions: 1) Plaintiff’s counsel is unavailable from July 10 to 31, 2009; 2) Defendant’s counsel is unavailable from August 10 to 14, 2009.

IT IS SO STIPULATED:

DATED: _____

KEITH WATTLEY
UNCOMMON LAW
Attorney for Plaintiff Stephen Liebb

DATED: _____

EDMUND G. BROWN JR.
Attorney General of California

By: _____
SCOTT J. FEUDALE
Deputy Attorney General
Attorney for Defendant C. Daly

IT IS ORDER that Defendants motion for summary judgment shall be heard on August 27, 2009 at 2:00 p.m. in Courtroom 2 of this Court, unless the Court decides the matter on the papers before that or vacates the hearing.

7/14/09
DATED: _____



HON. CLAUDIA WILKEN
United States District Judge

SF2006200159
40351270.doc